

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 3, 1998**

DIVISION ONE

B110811      Leonard Green & Partners                      (Not for Publication)  
                 v.  
                 Wachtell

The second amended judgment is affirmed.

Masterson, J.

We concur:   Ortega, Acting P.J.  
                 Dunn, J. (Assigned)

B101431      Morita, et al.                      (Not for Publication)  
                 v.  
                 Frederick Blum Insurance Services, et al.

The judgment is affirmed.

Masterson, J.

We concur:   Spencer, P.J.  
                 Dunn, J. (Assigned)

B109223      Paul D. Taylor                      (Not for Publication)  
                 v.  
                 Aames Home Loan et al.

The judgments and the order awarding attorneys' fees are affirmed.

Masterson, J.

We concur:   Ortega, Acting P.J.  
                 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B108796      Francis Bondzi-Simpson      (Not for Publication)  
                 v.  
                 Vons Companies, Inc.

The judgment is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B107873      Arcelia Perez      (Not for Publication)  
                 v.  
                 Prestige Stations, Inc.

The order of dismissal is affirmed.

Masterson, J.

We concur:    Spencer, P.J.  
                 Vogel (Miriam A.), J.

B105816      Tupker, et al.      (Not for Publication)  
                 v.  
                 Frolich, et al.

That portion of the judgment awarding punitive damages is reversed and remanded to the trial court for redetermination based on evidence of defendants' financial condition at the time of retrial. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Masterson, J.

We concur:    Spencer, P.J.  
                 Ortega, J.

## February 3, 1998-Continued

## DIVISION TWO

B110514      People      (Not for Publication)  
v.  
Taylor

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B107858      Wambold Marker, Inc.      (Not for Publication)  
v.  
American Home Assurance Company

The judgment is affirmed.

Nott, J.

We concur:   Fukuto, Acting P.J.  
                      Zebrowski, J.

B112094      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Brenda H.C.

The judgment is affirmed.

Nott, J.

We concur:   Fukuto, Acting P.J.  
                      Zebrowski, J.

## February 3, 1998-Continued

## DIVISION TWO (Continued)

B114573 People (Not for Publication)  
v.  
Luzmit G.

The Court:

The order increasing the number of hours of community service to be performed from 100 to 200 is vacated, and, as modified, the order of wardship is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

B112799 People (Not for Publication)  
v.  
Moreno

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B114969 People (Not for Publication)  
v.  
Hugo G.

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

## February 3, 1998-Continued

## DIVISION TWO (Continued)

B110976 People (Not for Publication)  
v.  
Madison

The judgment is affirmed.

Nott, J.

We concur:   Boren, P.J.  
                      Fukuto, J.

B103968 People (Not for Publication)  
v.  
Bell

The judgment is affirmed.

Nott, J.

We concur:   Fukuto, Acting P.J.  
                      Zebrowski, J.

DIVISION FOUR

B104404 ICN Pharmaceuticals, Inc. (Not for Publication)  
v.  
Continental Insurance Company et al.

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

DIVISION FOUR (Continued)

B110855 Valdez (Not for Publication)

V.

Owens-Brockway Glass Container, Inc., et al.

The judgment is reversed and the matter is remanded for denial of respondents' summary judgment motion. Appellant is awarded costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.  
Baron, J.

B109519      Varga      (Not for Publication)

V.

# Sampson

The judgment is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B115289 Lydia C. (Not for Publication)

V.

Superior Court, Los Angeles County  
(Dept. of Children & Family Services, r.p.i.)

The petition for writ of mandate is denied. This decision shall become final as to this court immediately upon its filing. (Cal. Rules of Court, rule 24 (d).)

Baron, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B117190 Eunice W. et al. (Not for Publication)

v.

Superior Court, Los Angeles County  
(Department of Children & Family Services, r.p.i.)

The petitions for writ of mandate are dismissed.

Baron, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B113449 People (Not for Publication)

v.

Small

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Baron, J.

B109187 People (Not for Publication)

v.

Barrajas

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

## February 3, 1998-Continued

## DIVISION FOUR (Continued)

[illegible]

The judgment of conviction is affirmed. The sentence is vacated and the case is remanded to the trial court for resentencing pursuant to the mandate of *People v. Williams*.

Baron, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B116550      People                                  (Certified for Publication)  
v.  
Aguilar

The judgment of the Appellate Department of the Superior Court is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

B107292 People (Not for Publication)  
v.  
Cruz

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Baron, J.



## February 3, 1998-Continued

## DIVISION FOUR (Continued)

B103033 People (Not for Publication)  
v.  
Munoz

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

B103468 People (Certified for Publication)  
v.  
Gonzalez

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

DIVISION SIX

B107630      Rodney F.                                  (Certified for Publication)  
v.  
Karen M.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Gilbert, J.

I concur:       Stone, P.J.

I concur and dissent: Yegan, J. (Opinion)

DIVISION SIX (Continued)

B113216 San Luis Obispo Co. Dept. of Social Services

v.

Teresa A.

In re Quania A., et al., Persons Coming Under the Juvenile Court Law

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment.)

B111758 Murphy (Not for Publication)

v.

County of San Luis Obispo

Although it is unfortunate that Murphy was the victim of a fabrication, the law compels us to affirm the judgment. The parties shall bear their own costs on appeal.

Gilbert, J.

We concur: Stone, P.J.  
Yegan, J.